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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

No. 4-06-70440-WDB

13 Plaintiff,

14 v.

STIPULATION AND ORDER TO
RESCHEDULE ARRAIGNMENT
OR PRELIMINARY HEARING

15
16 GILBERT POLINA,

17 Defendant.
18

19 The United States and the defendant, through their undersigned counsel, hereby
20 stipulate and agree to reschedule the arraignment or preliminary hearing in this case from
21 September 7, 2006 to October 19, 2006. The parties have agreed upon a resolution of
22 this case that will result in the misdemeanor tax charge. However, this tax charge
23 requires the approval of the Tax Division in the Department of Justice, and the
24 government needs additional time to complete the necessary paperwork and obtain
25 Department of Justice approval.

26 The defendant agrees to waive time for arraignment or preliminary hearing until
27 the new hearing date of October 19, 2006, and both parties agree to exclude time in the
28 interests of justice under the Speedy Trial Act for the period between September 7, 2006

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1 and October 19, 2006, pursuant to the provisions of 18 U.S.C. § 3161(h)(8)(A) and
2 (B)(iv).


3
4 Respectfully submitted,

5
6 Dated: 9/6/06

7 
8 CAMELIA BRAY, ESQ.
9 Attorney for Gilbert Polina

10 KEVIN V. RYAN
11 United States Attorney

12 Dated: 9/6/06

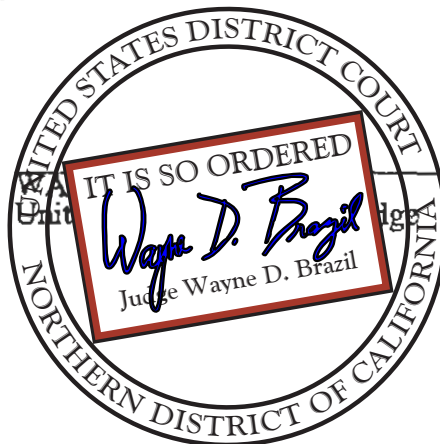
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14 GEORGE L. BEVAN JR.
15 United States Attorney

16 **ORDER RESCHEDULING ARRAIGNMENT or PRELIMINARY HEARING**

17 Upon the foregoing stipulation of the parties, and good cause therefor, IT IS
18 HEREBY ORDERED that the arraignment or preliminary hearing in this case is
19 rescheduled from September 7, 2006 to October 19, 2006, at 10:00 a.m., before
20 Magistrate Judge Wayne D. Brazil in Oakland.

21 The Court finds that time will be excluded for that period, in the interests of
22 justice, for purposes of the Speedy Trial Act.

23
24 Dated: September 6, 2006



JOINT APPLICATION TO
RESCHEDULE SENTENCING DATE